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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,937	01/16/2004	Christopher James Dawson	AUS920030961US1	8223
7590	12/13/2005		EXAMINER	
Gregory W. Carr 670 Founders Square 900 Jackson Street Dallas, TX 75202			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/759,937	Applicant(s) DAWSON ET AL.	
	Examiner Scott Au	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 15 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

The application of Dawson et al. for a "Method for remote vehicle ignition enablement and disablement via broadband enabled security mechanisms" filed January 16, 2004 has been examined.

Claims 1-25 are pending.

### ***Drawings***

The drawings are objected to because referring to **device 160 of Figure 1** as described in the specification, **according to paragraphs 18 and 20, the device 160 was called an "ignition system" and according to paragraph 15, the device 160 was called an "ignition switch". Examiner treats the device 160 as an "ignition system"**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Examiner suggests to change the claim 18 to depend on claim 16. Appropriate correction is required.

***Claim Objections***

Claim 1 and specification are objected to because of the following informalities: “**vehicle ignition switch**” should be changed to “**vehicle ignition system**”. Appropriate correction is required.

***Claim Objections***

Claim 9 is objected to because of the following informalities: Claim 9 contains the terms “the ability to”. It has been held that the recitation that an element is “the ability to” performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, the claimed limitation “the ability to determine...” will not be given any patentable weight. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 19 and 23 recite the limitations "computer program product, having a medium with a computer program and computer program comprising a computer code" is not clear of the limitations and is not specifically used in the specification as disclosed. The applicant needs further explanation and support of the limitations. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (US# 6,664,888) in view of Lemelson et al. (US# 6,275,773).

Referring to claim 1, Bishop discloses an apparatus for remotely controlling vehicle ignition, comprising:  
a processor (i.e. processor is located within the receiver) for initiating vehicle ignition or for disabling vehicle ignition, wherein the processor is at least configured to at least require that at least one predetermined, enumerated condition is at least satisfied (col. 4, lines 48-56);

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a plurality of receivers at least configured to be coupled to the processor (i.e. processor is located within the receiver), wherein the plurality of receivers are at least configured to receive wireless data (col. 4 lines 6-19);

a transmitter configured to be coupled to the processor (i.e. processor is located within the receiver), wherein the transmitter is configured to transmit wireless data (col. 8 lines 25-39);

a manual ignition switch (8) (i.e. manual ignition switch) at least configured to be coupled to the processor (i.e. processor is located within the receiver), wherein the manual ignition switch at least allows a physical occupant of the vehicle to at least attempt vehicle ignition (col. 9 lines 13-47); and

a vehicle ignition system at least coupled to the processor (i.e. processor is located within the receiver, it is inherent the ignition system is couple to the processor), wherein the vehicle ignition system is configured to at least physically enable ignition and at least physically disable ignition (col. 9 lines 13-47).

However, Bishop did not explicitly disclose the controlling the vehicle ignition comprising of a plurality of transmitters.

In the same field of endeavor of vehicle operation system, Lemelson et al. disclose of a plurality of transmitters in vehicle system (col. 19 lines 13-65; see Figure 3).

One ordinary skill in the art understands that plurality of tranceivers in vehicle system of Lemelson et al. is desirable in the vehicle system of Bishop because Bishop suggests tracking of a vehicle within the communication

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network 15 (col. 3 lines 1-14) and Lemelson et al. suggest a control transceiver 30 for communicating among with other vehicles and radio control towers and a GPS 34 for computing position with other vehicles and location (col. 18 lines 55-67 and col. 19 lines 13-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the transceivers of Lemelson et al. in the vehicle system of Bishop with the motivation for doing so would allow the simultaneous communication between and among multiple motor vehicles 2 and radio control towers 10 (col. 19 lines 30-34; see Figure 2).

Referring to claim 2, Bishop in view of Lemelson et al. disclose the apparatus of claim 1, Lemelson et al. disclose wherein at least one receiver of the plurality of receivers is a Global Positioning System (GPS) receiver (col. 19 lines 13-65).

Referring to claim 3, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop discloses wherein at least one receiver of the plurality of receivers is a pager network receiver (col. 1 lines 15-33).

Referring to claim 4, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop discloses wherein at least one receiver of the plurality of receivers is a cellular network receiver (col. 1 lines 31-34).

Referring to claim 5, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Lemelson et al. disclose the GPS receiver, and GPS receiver is a receiver for a satellite communication network (col. 31 lines 60-67).

Referring to claim 6, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop discloses wherein at least one transmitter of the plurality of transmitters is a pager network transmitter (col. 1 lines 15-20).

Referring to claim 7, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Lemelson et al. disclose wherein at least one transmitter of the plurality of transmitters is a cellular network transmitter (col. 19 lines 31-40).

Referring to claim 8, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Lemelson et al. disclose the GPS system, and GPS system is a satellite communication network (col. 31 lines 55-67).

Referring to claim 9, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop in view of Lemelson et al. disclose the vehicle system is a programming system (Bishop, col. 1 lines 36-67 and Lemelson et al., col. 10 lines 22-55). Therefore, it is obvious that Bishop in view of Lemelson et al. disclose the vehicle system has the ability to determine safe locations based on historical vehicle enablement; the ability for a user or owner to



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remotely program safe locations; and the ability for a user or owner to remotely predefine conditions for vehicle enablement.

Referring to claim 10, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop discloses wherein the processor further comprises: at least the ability for an owner or a user to remotely disable vehicle ignition; and at least the ability for an owner or a user to remotely predefine conditions for vehicle disablement (col. 9 lines 14-46).

Referring to claim 11, Bishop in view of Lemelson et al. disclose the apparatus of claim 2, Bishop discloses wherein the at least one predetermined condition is selected from the group comprising geographical area (col. 3 lines 1-10), time of usage (col. 6 lines 40-48), and user (col. 1 lines 13-20).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14, 16-21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (US# 6,664,888).

Referring to claim 12, Bishop discloses a method for remotely controlling vehicle ignition, comprising: receiving at least one condition for enablement; manually enabling or disabling of a manual ignition switch by a physical occupant (col. 9 lines 14-46); determining if the at least one condition is satisfied; if the at least one condition is satisfied, then enabling a vehicle ignition switch; and if the at least one condition is not satisfied, then allowing the vehicle to remain disabled (col. 9 lines 14-46).

Referring to claim 13, Bishop discloses the method of claim 12, claim 13 is equivalent to that of claim 11 addressed above, incorporated herein. Therefore, claim 13 is rejected for same reasons given with respected to claim 11.

Referring to claim 14, Bishop discloses the method of claim 12, wherein the receiving at least one condition is at least configured to be input by an owner (i.e. manual key) or user remotely (i.e. pager and cellular phone) (col. 3 lines 22-56 and col. 9 lines 14-46).

Referring to claim 16, Bishop discloses a method for remotely controlling vehicle ignition, comprising: receiving at least one condition for disablement; and disabling a vehicle ignition switch (col. 1 lines 36-65 and col. 9 lines 13-47).

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Referring to claim 17, Bishop discloses the method of claim 16, wherein the receiving at least one condition for disablement further comprises: receiving an authorization code; authenticating the authorization code; if the authorization code is authentic, then accepting at least one condition for disablement; if the authorization code is not authentic, then disregarding the at least one condition for disablement (col. 9 lines 14-46).

Referring to claim 18, Bishop discloses the method of claim 16, claim 18 is equivalent to that of claim 11 addressed above, incorporated herein. Therefore, claim 18 is rejected for same reasons given with respected to claim 11.

Referring to claims 19 and 23, Bishop discloses a computer program product (i.e. see Figures 2A-2D, vehicle system) for remotely controlling vehicle ignition, the computer program product having a medium (i.e. receiver) with a computer program (i.e. circuitry devices within the vehicle system) embodied thereon, the computer program comprising: computer code (i.e. processor locates within the receiver) for receiving at least one condition for enablement (col. 3 lines 15-56 and col. 4 lines 48-56); manually enabling or disabling of a manual ignition switch by a physical occupant (col. 3 lines 50-56); computer code for determining if the at least one condition is satisfied; if the at least one condition is satisfied, then computer code for enabling a vehicle ignition switch; and

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if the at least one condition is not satisfied, then computer code for allowing the vehicle to remain disabled (col. 3 lines 50-56 and col. 9 lines 13-46).

Referring to claim 20, Bishop discloses the computer program of claim 19, claim 20 is equivalent to that of claim 11 addressed above, incorporated herein. Therefore, claim 20 is rejected for same reasons given with respected to claim 11.

Referring to claim 21, Bishop discloses the computer program of claim 19, claim 21 is equivalent to that of claim 14 addressed above, incorporated herein. Therefore, claim 21 is rejected for same reasons given with respected to claim 14.

Referring to claim 24, Bishop discloses the computer program of claim 23, claim 24 is equivalent to that of claim 17 addressed above, incorporated herein. Therefore, claim 24 is rejected for same reasons given with respected to claim 17.

Referring to claim 25, Bishop discloses the computer program of claim 23, claim 25 is equivalent to that of claim 11 addressed above, incorporated herein. Therefore, claim 25 is rejected for same reasons given with respected to claim 11.

### ***Claim Objections***

Claims 15 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 15 and 22, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that to determine safe locations based on historical vehicle enablement; and automatically enabling or disabling based.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dimino (US# 5,918,180) discloses the telephone operable global tracking system for vehicles.

Pagliaroli et al. (US# 5,276,728) disclose the remotely activated automobile disabling system.

Eslaminovin (US# 5,805,057) discloses the remote vehicle disabling and distress indicator system.

Wisnia et al. (US# 6,924,728) disclose the safely feature for vehicles parked indoors.

Yamanaka et al. (US# 6,900,723) disclose the anti-theft system for vehicles.

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Stancu et al. (US# 6,011,321) disclose the page receiver security system.

Higdon et al. (US# 5,874,889) disclose the system and method for triggering and transmitting vehicle alarms to a central monitoring station.

Sunman et al. (US# 6,028,537) disclose the vehicle communication and remote control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA  
12/2/05

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*[Signature]*